

REMARKS

In Paragraphs 1 and 2 of the pending Office Action, the Examiner set forth a restriction requirement. The Office Action restricts pending claims 1-25 as follows:

Group I: is drawn to a method for determining at least one function SNP in a gene by selecting a gene, providing a sample population, isolating the gene from the population, identifying a SNP, identifying those with functionality, classified in class 435, subclass 6 and embodied in claims 1-14 and 16.

Group II: is drawn to a method for diagnosis of a disease by detecting a SNP, classified in class 435, subclass 6 and embodied in claim 15.

Group III: is drawn to a method of preparing a nucleotide sequence comprising at least one functional SNP and a polynucleotide, classified in class 536, subclass 23.1 and embodied in claims 17 and 19.

Group IV: is drawn to a method of preparing a polypeptide and a polynucleotide, classified in class 530, subclass 350 and embodied in claims 18 and 20.

Group V: is drawn to a method of treating an individual having a pathology with a polynucleotide, classified in class 514, subclass 44 and embodied in claim 22.

Group VI: is drawn to a databank comprising functional SNPs, classified in class 707, subclass 3 and embodied in claims 22 and 23.

Group VII: is drawn to a method of identifying SNPs using a databank, classified in class 702, subclass 27 and embodied in claim 24.

Group VIII: is drawn to a method of treating an individual having a pathology with a polypeptide, classified in class 514, subclass 2 and embodied in claim 25.

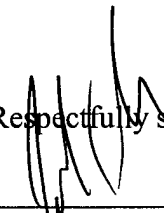
I. Restriction.

Applicant provisionally elects, with traverse, Group I. According to Section 803 of the M.P.E.P., restriction may properly be required between patentably distinct inventions if (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner if restriction is not required. In this case, the entire patent system would be unnecessarily burdened with the additional application required and the duplicative work this restriction demand entails.

Specifically, Applicant respectfully submits that there will not be a serious burden on the Examiner if restriction between the claims is not required because regardless of the claims prosecuted, the field of search for each of the identified species are closely related if not identical and will substantially overlap. A separate field of search is shown to exist only when one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, there is no indication that a separate field of search is required for the disclosed inventions. Thus, Applicant respectfully contends that there will not be a serious burden on the Examiner if restriction is not required as the classification are closely related and the field of search is similar and therefore Applicant would respectfully requests that this restriction requirement be withdrawn.

CONCLUSION

The claims remaining within the application are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.


Respectfully submitted,

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